

**COUNCIL MEETING MINUTES
CITY OF LAKE QUIVIRA KANSAS
August 3, 2020
6:30 p.m.**

Present

Mayor Brady Lilja
Council President John Christy
Councilmember Gayle Best
Councilmember Dave McCullagh
Councilmember Annie Noland

City Attorney Michelle Daise
City Administrator / City Treasurer Erin Leckey
City Clerk / Court Administrator Kathy Bounds
Chief of Police / Building Official Fred Grenier

Present by Zoom

Councilmember Greg Prieb, II

Visitors

John Blessing – Waste Management
Bill Cole – 143 LSDS (SMAC Rep)
Tim Dolan – 405 Hillcrest East
Jim Large – 320 Kaw Lane East
Dean Lytton, CCO/General Manager for Q-Inc.
John Nelson – 480 LSW
OJ Simpson – 216 Apache Tr.

The following information was made available for anyone wishing to join the meeting via

Zoom: <https://zoom.us/j/95344455040?pwd=cUJkbUxWMHBDUEI5WGhVd0tGbHlXQT09>

Meeting ID: 953 4445 5040 / Passcode: 979256

One tap mobile: 1-929-205-6099 / 1-301-715-8592

Call to Order

Mayor Lilja called the meeting to order at 6:30 p.m.

Pledge of Allegiance

Council President Christy led the Pledge of Allegiance. All were welcomed to participate.

Visitor's Comments: John Blessing of Waste Management was in attendance to follow-up on a presentation he gave at the February 3, 2020 Council Meeting to discuss changes occurring in

the recycling industry, specifically as it relates to the decontamination process and rising costs for that service. At the February Council Meeting, Mr. Blessing presented options, for Council consideration, to help offset those costs. The options included 1) a per household rate increase, 2) moving to an every other week recycling service (versus every week), and 3) implementing curbside auditing. Mr. Blessing offered to answer any questions the Council may have related to those previously discussed options. After lengthy discussion, and after weighing the pros and cons of each option, the Council determined in the best interest of the community, and in an effort to maintain continued and uninterrupted recycling services, to opt for the proposed per household rate increase (incurred by the City). The Council requested, as a condition of the proposed rate increase, Lake Quivira be provided with a new recycling audit, and if the audit score improves, from the audit performed last year, the rate increase would go back to what the City is currently under contract for. Mr. Blessing indicated that was an agreeable term and an audit could be performed again in mid to late 2021; however, the audit rating would have to be 10% or less for a cost reduction. *The audit rating last year for Lake Quivira was approximately 22%.* Mr. Blessing indicated he would prepare a (draft) addendum to the current Waste Management contract, outlining the provisions discussed, and provide a copy to the Council and City Attorney for review prior to the September 14th Council Meeting. If the addendum is approved at the September 14th Council Meeting, the recycling rate increase will become effective October 1, 2020.

The Mayor and Council thanked Mr. Blessing for attending the meeting.

Approval of Minutes from the Regular Council Meeting held on July 6, 2020. Motion: Councilmember McCullagh made a motion to approve the minutes from the, July 6, 2020 Council Meeting. **Second:** Councilmember Noland seconded the motion. **Vote: 5-0. Motion carried.**

Treasurer's Report:

A written report was submitted by City Treasurer Leckey for review and consideration. Mayor Lilja entertained a motion to approve the Treasurer's report as submitted. **Motion:** Councilmember Best made a motion to approve the Treasurer's Report as submitted. **Second:** Council President Christy seconded the motion. **Vote: 5-0 - Motion carried.**

**A copy of the Treasurer's Report can be obtained, by request, at City Hall.*

SMAC Report:

Bill Cole, SMAC Representative, provided an update on the Opti project. He noted Opti is up and running and a final meeting with Opti representatives is scheduled for Monday, August 10th. Costs for the Opti project are ready to be submitted and are very close to the planned spending. Mr. Cole noted the lack of dark soil pluming from the lake is ample demonstration of the value of the Opti system. It is still being fine-tuned, but he is optimistic it should continue to protect and reduce lake silting.

Police Chief's Report:

Chief Grenier submitted a written report. There were no questions related to his report.

City Attorney's Report

No report.

Council Reports:

Councilmember Best:

Recycling was discussed under Visitor's Comments with John Blessing.

Councilmember Best reported speaking with Eric Vossman regarding reconfiguration of the entrance to the City Hall parking lot, noting this is part of the City's long-term strategic plan. She provided Mr. Vossman with the design plan and indicated they also discussed new signage in front of City Hall. Mayor Lilja advised the LQ Foundation has expressed interest in assisting the City with this project. A suggestion was made to Councilmember Best to contact Way and Sons for a bid and she indicated she would reach out to them.

Council President Christy:

Council President Christy provided a recap of the strategic planning discussion that took place during a July City Council Work Session regarding the spillway and dam. The discussion included needed repair work and eventually adding aesthetic features such as a bike pathway, walkway, and waterfall.

Council President Christy reported conferring with Bill Cole, of Foresight Solutions LLC., about providing a study for project. After detailing the conversation he and Mr. Cole had, Council President Christy proposed the City consider engaging with Foresight Solutions LLC., for preparation of a "pre-plan" study, noting the study will outline different options available for repair work, aesthetic features, and costs involved to better ascertain a starting point for the project. Discussion ensued about obtaining community feedback regarding desired aesthetic features, timelines for the project, and budgeting for the study. City Treasurer Leckey reported money is available in the budget for the study.

Motion: Council President Christy made a motion for the City to engage Foresight Solutions LLC., to begin the process of initial planning work for the spillway in an amount not to exceed \$10,000. **Second:** Councilmember Prieb seconded. **Vote: 5-0. Motion carried.**

Councilmember McCullagh:

Councilmember McCullagh reported Waste Management has indicated they are slated to open a new (waste) cell in October. Once the new cell is operational, odor issues should be significantly reduced. The cell currently in use is scheduled to be completely closed by the end of the year.

Councilmember McCullagh reported two of the three spill buckets at the fuel station were recently replaced. He thanked Erin and Kathy for coordinating the work with Double Check. He

noted the two spill buckets replaced were aged and deteriorating and did not pass KDHE inspection earlier this year. Following replacement, KDHE issued the 2021 operating permit and there was no interruption of service at the fuel station.

Councilmember McCullagh concluded his report noting he and Erin have a meeting scheduled with Dustin Avey, of Piper Sandler, to discuss Municipal Bond requirements for the City. He thanked Erin for getting the meeting set up.

Councilmember Noland:

Councilmember Noland provided an update on security camera placement at the recycling area, noting she and Councilmember McCullagh have a meeting scheduled on Tuesday, August 4th, with a company to discuss options and obtain a bid. Discussion ensued about footage on private property, who would monitor the camera feed, and reporting criminal activity. City Attorney Daise advised of the legalities involved. She will research this some more and report her findings to the Council.

Councilmember Noland inquired about the City being designated as a Tree City, what that meant specifically, and how it applies to the community. Mayor Lilja explained the designation is through the National Arbor Day Foundation and awarded for tree planting in the community. An inquiry was made whether or not the City had a Tree Ordinance, in particular for addressing the clearing of trees. Discussion ensued and it was noted provisions are in place with the Home Owner's Association, but the City does not have an Ordinance. Conversation concluded with coordination efforts being arranged in the near future with Q-Inc. and the City to draft a Tree Ordinance for consideration. Councilmember Noland will follow up with the Dean Lytton, General Manager of Q-Inc.

Councilmember Prieb:

Councilmember Prieb reported meeting with McAnany Construction to discuss the pavement issue on the dam by the horse stables. He reported a temporary patch would cost approximately \$2,500., and to completely repair the area would cost around \$15,000. City Treasurer Leckey reported there is money in the budget this year that could be spent on the repairs. Councilmember Prieb will obtain bids and provide those at the September 14th Council Meeting.

Councilmember Prieb provided an update to the Holliday Drive asphalt project, noting the work was scheduled to begin on July 10th but has now been moved to August 10th.

Mayor's Report:

Mayor Lilja indicated he was tabling discussion this evening related to The Quiviran Newspaper until more was known about whether or not the paper would continue being published following the August edition.

Mayor Lilja reported the LQ Foundation has expressed interest in contributing to some of the City's pending projects, such as the City Hall parking lot reconfiguration and/or the dam/spillway as mentioned earlier this evening. Mayor Lilja noted the Foundation always has very positive meetings, they are a great group of people, and he is very appreciative they have expressed an interest in helping with City projects.

Mayor Lilja reported he received a letter from Mark Jacobs, of 120 Terrace Trail South, in which John Christy, Erin Leckey, Dave White and Leanna Walters were also copied, asking that it be read at the next City Council meeting and added to the public record. Mayor Lilja read Mr. Jacob's letter as follows:

Brady,

After reading the approved June 1st City Council minutes I would ask that the following comments be read at the next City Council meeting and added to the public record:

The comments Mayor Lilja made at the June 1st City Council meeting (relating to the letter I sent on the 4th of May to the City Council) were misleading and incorrect in the following ways:

- 1) He neglected to mention that the meeting commentary he released to *The Quiviran* contained a serious factual error, stating that the City Council was "moving forward" with a "Non-Disclosure Agreement".

To claim "we did nothing wrong" is simply untrue, and some responsibility on the part played by Mayor Lilja in this series of events needs to be taken.

- 2) Characterizing this event as a "leak" is both inaccurate and unhelpful, as the justification that it is reasonable to expect that, once released to the press, information should not be shared until publication (unless an embargo is specified), or that this was an "unapproved narrative".

The fact is, if this narrative was unapproved, then Mayor Lilja should not and would not have released it, and at the time I wrote my original letter, the meeting commentary (with the error in it) had already been sent to the printer.

- 3) In his timeline of events, Mayor Lilja failed to provide any context related to the limited time to address this issue before the (subsequently inaccurate) narrative was due to be published.

If he had have done, it may have explained why instilling a sense of urgency in getting a response was important, even if he did not agree with the means employed to achieve

this, and it would have also highlighted that we were able to address this error before the newspaper was printed.

I commend Mr. Christy for the considered tone in his letter to *The Quiviran* and appreciated the productive meeting we had with himself and Ms. Leckey. We agreed on much, including:

- That as a matter of public policy, widespread usage of Non-Disclosure Agreement's by governmental agencies is a chilling development that should be of concern to all.
- That ensuring freedom of speech, open government, and compliance with the law are important and worthy activities for both Lake Quivira citizens, their civic leaders, and city employees.
- That had the City indeed been considering the adoption and usage of Non-Disclosure Agreements, this letter, and the points raised, would have been warranted and completely "in-bounds".
- That continuing a "war-of-words" and perpetuating a singular point of view, rather than a more nuanced one that recognized merits in both sides attitude and position, would be unhelpful.

Therefore, I believe that Mayor Lilja's tone, comments, and responses are completely counter-productive and fly against the commitment to the high standards of governance, transparency, and compliance with open-government laws that I know Mr. Christy and Ms. Leckey are committed to. They give an impression that any citizen wishing to engage in their civic duty of asking questions and holding their government accountable will be met with a less than enthusiastic reaction, thereby making it more, not less, likely that they would consider more formal and "legal" approaches versus "a simple phone call, cup of coffee, (or an) email."

In conclusion, in his responses, Mayor Lilja not only failed Mr. White (by not providing him with the context and information he so clearly desired), but also himself: stating that he found being questioned "offensive" when he was fully aware of the circumstances that gave rise to the issue, and knowing that the original intent came from a sincere concern for our community, he serves neither himself or the people he represents.

Thank you for your time and consideration. Respectfully, Mark Jacobs.

Following the reading of Mr. Jacob's letter, Mayor Lilja asked if there were any questions from the audience. There were none.

Old Business:

- I. Discussion related to drafting an Ordinance to set rules and regulations for harboring chickens in the City limits of Lake Quivira, Kansas.

To begin building the framework for drafting an ordinance for the City of Lake Quivira as it relates to harboring chickens within city limits, Councilmember McCullagh provided a report on his research of an existing ordinance with O'Clare, Wisconsin.

Some of the discussion points were:

- A limit on how many chickens can be owned.
- No rooster's allowed.
- Maintaining the chickens on the property.
- Ascetics and humanity of coup's and/or run structures.
- Not for commercial purposes – no selling of chickens or eggs.
- Zoning requirements related to setbacks of side and back yards and non-conforming lots. Most cities have 25' and 40' requirements.
- Registration requirements.
- Permit requirements for building or buying prefabbed coups.
- Fees/costs related to permitting, registering, violations.
- Notifying neighbors and giving neighbors a chance to have a hearing before the Council if they object.
- No strike against dogs or cats if they attack a chicken.
- Conformance between HOA rules and City Ordinance.

It was noted, the biggest concern is with free-range chickens and the chickens going into neighboring yards, not so much the mere owning of chickens. While there are many things to be considered in drafting the ordinance, the main goal is to offer guidelines and a means for action to be taken if non-compliance occurs, but not to be excessively restrictive. The above discussion points are ideas to get started with, and all may not necessarily be implemented. It was also noted, if an Ordinance is adopted, residents who already own chickens will be given ample time to come into compliance with the Ordinance.

- II. Quiviran newspaper – discussed under the Mayor's report.

New Business:

- I. Public Hearing for 2021 Budget.

Mayor Lilja opened the Public Hearing for consideration of the 2021 Budget at 8:26 p.m. He asked if there were any questions or comments from the audience.

Questions:

- Extra patrol on weekends in the budget for next year? RESPONSE: There will be 24/7 coverage next summer and increased patrol on Memorial and Labor Day.
- Is there a budget detail for review? RESPONSE: A budget overview went out in black boxes through a published special edition of the Quiviran which noted the full budget detail was available at City Hall for anyone interested.

City Treasurer Leckey reported the Ad Valorem tax for the proposed 2021 budget is at 17.228 and will bring in \$552K from the county, which will allow the City to spend \$1.6 million. She noted, the most common question received is about spending actuals from the prior year and the spending authority for the proposed budget year. She explained the difference is because it includes reserve funds, noting that does not necessarily mean this is what the City will be spending, but could spend, upon Council vote should the need arise.

With no further discussion or questions, Mayor Lilja closed the Public Hearing for the 2021 Budget at 8:30 p.m. and resumed regular session of the Council Meeting.

II. Council to consider Resolution to adopt the annual 2021 budget.

Mayor Lilja entertained a motion to adopt Resolution No. 140 for the annual 2021 budget.

Motion: Council President Christy made a motion to adopt Resolution No. 140 for the annual 2021 budget. **Second:** Councilmember Noland seconded. **Vote: 5-0. Motion carried.**

III. Discussion regarding possible modifications to Title VIII, Section 1 (“Regulation and Prohibition of Certain Breeds of Dogs”). City Ordinance No. 311.

The City received a dog registration, in May, along with rabies vaccination certificates for two dogs with one being listed as a pit-bull mix. Pit-bulls and/or pit-bull mixes are among the breeds not allowed by City Ordinance (No. 311). The owner was notified of the breed restriction. After being advised, by the owner, that the rescue where they got the dog erroneously listed it as a pit-bull mix, the City has been working with the owner as they try to obtain conforming documentation. Discussion this evening, related to Title VIII, Section 1, is primarily focused on the breed specific language it contains.

Discussion ensued regarding surrounding cities and their ordinances on the same, noting most have moved away from breed specific bans and have adopted language banning vicious or dangerous animals; however, it was also noted, those same cities have leash laws in place and the City of Lake Quivira does not.

Following lengthy discussion, it was determined Article VIII, Section 1 will stand as is, as it relates to breed specific bans, and no changes or amendments would be made at this time. With conflicting breed documentation on file with the City, provided by the owner for the above-referenced dog, and in an effort to give the owner every opportunity to keep the dog, by recommendation of the City Attorney, the owner will be given the option of providing a DNA test, at their expense, proving there is no percentage of pit-bull in the dog. If the DNA test indicates the dog has any percentage of pit-bull, the dog will have to be removed from the City. The owner will be notified of this option.

Executive Session:

None.

Adjournment:

Motion: Councilmember McCullagh made a motion to adjourn the meeting at 9:11 p.m.

Second: Councilmember Best seconded. **Vote: 5-0. Motion Carried.**

The meeting adjourned at 9:11 p.m.

Respectfully submitted by:

Kathy Bounds

City Clerk

NEXT SCHEDULED MEETING

October 5, 2020

6:30 P.M.



AREAS OF RESPONSIBILITY

- **Brady Lilja** - Quivira Inc., Q2 Board, Lake Quivira Foundation and Police.
- **Gayle Best** - Tree City, Railroad, Aesthetics, Landfill, City Hall and Holliday Drive.
- **John Christy** - Dam/Spillway, Litigation, 4th of July/Fireworks, and Holliday Drive.
- **Dave McCullagh** - Budget/Finance, Ordinances, Gas Station, Landfill Odor, Deer Harvest and Research.
- **Annie Noland** - Employee Performance Reviews and Issues, Insurance, Web Presence and vacant fire station space.
- **Greg Prieb** - Roads, Lake Preservation, Zoning and Development, Building Requirements and City Hall.